

# Notice of Allowability

Application No.

10/035,724

Examiner

Greg Bengzon

Applicant(s)

LAMBERTON ET AL.

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/01/2006.
2. ☒ The allowed claim(s) is/are 1,2,9-12 and 16-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Wm. C. Vaughn, Jr.  
WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER

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**DETAILED ACTION**

This application has been examined. Claims 1,2,9-12,16-20 are pending.

Claims 3-8, 13-15 have been cancelled.

***Priority***

This application claims benefit of priority from EPO Application 00480102.3 dated November 14, 2000.

The effective date of the subject matter of the claims in this application is November 14, 2000.

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Beck on March 1, 2006, with amended Claim language indicated via fax on March 2, 2006.

**IN THE CLAIMS**

Claims 1,11,12, 16 , 18-20 are amended to replace all occurrences of the phrase 'computer-like device' with the phrase 'computer device'.

Claim 17 is amended to replace the phrase 'computer-like readable medium ' with the phrase 'computer readable medium'.

The Claims are shown below:

1. (Currently Amended) A method comprising:  
enabling surveillance of a computer device connected to a communications network including a Network Surveillance Server (NSS), said network including the steps of:  
  
upon joining said communications network, said computer device logging-in to said NSS; discovering at least one said NSS within said communications network; selecting one of said at least one NSS to perform the surveillance of said computer device; sending credentials to said selected NSS; thereby, if accepted by said selected NSS; completing login; however, if not accepted; aborting log-in;  
  
said NSS polling said computer device while connected on said communications network, said polling step including said NSS determining if said computer device responds, and if so, collecting information about said computer device and a registered user of said computer device, and comparing if said collected information matches records, in said NSS, about said computer device and said registered user, said

collecting step and said comparing step being performed on top of said polling step and said checking step; said NSS issuing an alarm, to a central surveillance unit if said computer device fails responding to polling;

wherein said collected information about said user includes a typing speed over a keyboard or a voice intonation; and

wherein said collected information about said computer device includes a current geographic location and an identification of a portal through which said communications network is accessed;

prior to leaving said communications network, when it is desired to leave said communications network, said computer device sending credentials to said selected NSS, wherein said credentials include knowing a personal identification number (PIN); knowing a password; and possessing a token or a smartcard; thereby, if log-out is accepted by said NSS stops polling, said computer device thus completing log-out; however, if log-out is not accepted, said NSS keeps polling, said computer device thus failing to complete log-out; said computer device lagging-out from said NSS; and

allowing said computer device to be watched by NSS while being connected to said communications network.

2. (Previously Presented) The method according to Claim 1, wherein there are a plurality of said NSS present in said communications network.

9. (Original) The method according to Claim 1, wherein said communications network is an IP network and said polling step utilizes the IP 'PING' command.

10. (Original) The method according to Claim 1, wherein said communications network is an IP network and said polling step utilizes the IP Address Resolution Protocol (ARP).

11. (Original) The method according to Claim 1, wherein said computer device is a mobile device.

12. (Original) The method according to Claim 1, wherein said computer device is voice enabled.

16. (Currently Amended) A system for enabling the surveillance of computer devices connected onto a network, comprising means adapted for carrying out the method according to Claim 1.

17. (Currently Amended) A computer readable medium comprising instructions for carrying out the method according to Claim 1.

18. (Currently Amended) An article of manufacture comprising a computer usable medium having computer readable program code means embodied for causing enablement of surveillance of a computer device connected to a communications network, the computer readable program code means in said article of manufacture comprising computer readable program code means for causing a computer to effect the steps of Claim 1.

19. (Currently Amended) A program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for enabling surveillance of a computer device connected to a communications network, said method steps comprising the steps of Claim 1.

20. (Currently Amended) A computer program product comprising a computer usable medium having computer readable program code means embodied therein for causing a system for causing enablement of surveillance of a computer device connected to a communications network, the computer readable program code means in said computer program product comprising computer readable program code means for causing a computer to effect the functions of Claim 16.

***Allowable Subject Matter***

Applicant's arguments, see page 3 paragraph 2, filed 02/01/2006, with respect to the rejection(s) of claim(s) 1,2,9-12,16-20 under 35 U.S.C. 103(a) have been fully considered and are persuasive. The Examiner acknowledges and accepts the

amendments to the claims in overcoming the previous rejections under 35 U.S.C.

103(a). Therefore, the rejections have been withdrawn.

Claim 1,2,9-12,16-20 are allowed.

The following is an examiner's statement of reasons for allowance.

The provision for *'enabling surveillance of a computer-like device connected to a communications network including a Network Surveillance Server (NSS), including the steps of collecting information about said computer-like device and a registered user of said computer-like device, and comparing if said collected information matches records, in said NSS, about said computer-like device and said registered user, wherein said collected information about said user includes a typing speed over a keyboard or a voice intonation and wherein said collected information about said computer-like device includes a current geographic location and an identification of a portal -through which said communications network is accessed'*, is not fairly taught or suggested by the prior art of record (Levi, Rowland, and Lambert). This feature is described in the enabling portions of the Applicant Specifications Page 6 Lines 10-19.

The Examiner finds particular novelty in network surveillance capabilities as described by the Applicant [*in italics*] as follows:

*'The system monitors health indicative operating parameters based upon the operating system and the hardware used. A contact means is involved which represents one or more personnel who are contacted in order to respond and repair problems associated with the devices monitored by the remote monitoring system. The contact*

*can be done by electronic mail, a pager, a phone, or a fax. This element is not found in Rowland or Lambert. To implement capability and session monitoring in accordance with the process, one must sign up for service to be rendered to him/her. The sign up is to acquire licenses for the system and is done using a web page. The invention [of Levi] is not used to detect an intrusion so there is no basis to combine this reference with Rowland.*

Levi's invention is directed to tracking and monitor a uniform resource locator at a monitored website. As Applicant argues, *'There is no mention or even suggestion of the concept of preventing 'intrusion' which is the objective of Rowland (and which is not the objective of Levi) nor the monitoring of health indicative operating parameters based upon the operating system and the hardware used as disclosed by Levi.'*

Thus it is clear that there lies no motivation to combine the references.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



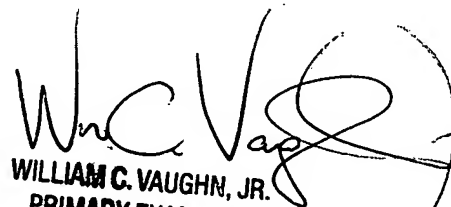
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
gcb

  
WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER